

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**CLEOPATRA DE LEON, NICOLE  
DIMETMAN, VICTOR HOLMES, and  
MARK PHARISS**

**Plaintiffs,**

**v.**

**RICK PERRY, in his official capacity as  
Governor of the State of Texas, GREG  
ABBOTT, in his official capacity as Texas  
Attorney General, GERARD  
RICKHOFF, in his official capacity as  
Bexar County Clerk, and DAVID LAKEY,  
in his official capacity as Commissioner of  
the Texas Department of State Health  
Services**

**Defendants.**

**CIVIL ACTION NO. 5:13-cv-982-OLG**

**FEDERAL RULE OF CIVIL PROCEDURE 5.1 NOTICE OF A CONSTITUTIONAL  
CHALLENGE**

Pursuant to Federal Rule of Civil Procedure 5.1(a), Plaintiffs Cleopatra De Leon, Nicole Dimetman, Victor Holmes, and Mark Phariss hereby file and serve this Notice of a Constitutional Challenge on the Texas Attorney General. Plaintiffs serve this notice because their Complaint challenges the constitutionality of Texas' constitutional and statutory ban on same-sex marriage. *See* Tex. Const., art. 1, § 32; Tex. Family Code §§ 2.001, 6.204. The Texas Attorney General is a party to Plaintiffs' lawsuit, and he has been served. Plaintiffs also attach a copy of their Complaint to this notice.

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Barry A. Chasnoff  
Barry A. Chasnoff (SBN 04153500)  
bchasnoff@akingump.com  
Daniel McNeel Lane, Jr. (SBN 00784441)  
nlane@akingump.com  
Frank Stenger-Castro (SBN 19143500)  
fscastro@akingump.com  
300 Convent Street, Suite 1600  
San Antonio, Texas 78205  
Phone: (210) 281-7000  
Fax: (210) 224-2035

Attorneys for Plaintiffs

### **CERTIFICATE OF SERVICE**

I certify that on November 5, 2013, a copy of the foregoing document and a copy of Plaintiffs' Original Complaint for Declaratory and Injunctive Relief, Docket No. 1, was served by certified mail on Greg Abbott, Attorney General of Texas, P.O. Box 12548, Austin, TX 78711-2548.

/s/ Barry A. Chasnoff  
Barry A. Chasnoff